

IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

HOLLY ANN SACKS, Individually and
as Representative of the Estate of
RICHARD TODD SACKS, MELVIN
PHILLIP SACKS, and MARILYN
PROCTOR,

Plaintiffs, § CIVIL ACTION
§ NO. 5:04-CV-73

V.

FOUR SEASONS HOTELS LIMITED
AND FOUR SEASONS PUNTA
MITA, S.A. de C.V.,

Defendants.

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR
DISCOVERY SANCTIONS AND TO SUPPRESS AND EXCLUDE
THE ORAL SWORN STATEMENTS OF SERGIO FARIAS AND
MARIANA ZARDAIN**

Plaintiffs file their Response to Defendants' Motion for Discovery Sanctions and to Suppress and Exclude the Oral Sworn Statements of Sergio Farias and Mariana Zardain, and state as follows:

1. Plaintiffs have not taken the deposition of Sergio Farias or Mariana Zardain because Defendants have adamantly opposed the taking of these witnesses' depositions by agreement and the Court has ruled to quash Plaintiffs' deposition notice of Sergio Farias.
2. Plaintiffs simply obtained oral statements from Sergio Farias and Mariana Zardain and then produced them to their experts.
3. There is no Federal Rule to prohibit Plaintiffs from seeking statements